



City of Seattle

Greg Nickels, Mayor

Department of Design, Construction and Land Use

D. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2204017

Applicant Name: Clinton Miller for Alex Wells

Address of Proposal: 11902 Riviera Place N.E.

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a three-story single family residence with an attached one-car garage. Existing single family residence to be demolished under separate permit.

The following approvals are required:

- **Variance** - To allow a portion of the principal structure to extend into the required front yard (Seattle Municipal Code Section 23.44.014).
- **Variance** - To allow a portion of the principal structure to extend into the required side yard (Seattle Municipal Code Section 23.44.014).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Subject Site and Vicinity

The subject property is zoned Single Family-5000 (SF-5000) and is located on the western shore of Lake Washington. It has frontage along Riviera Place NE and is adjacent to the Burke Gilman Trail. The lot is approximately thirty (30') wide, and the dry land portion, above a concrete bulkhead is about sixty-one feet (61') deep, providing a 1,958 sq. ft. building area. The shoreline environment of the dry land portion of the lot is Urban Residential (UR). The existing two-story residence built in 1918, covers 856 sq. ft.

Riviera Place NE is a narrow, substandard right-of-way varying between approximately ten (10) and twenty (20) feet in width. Because of the narrow width of Riviera Place NE, on street parking is very limited in the area of the subject property. Development in the vicinity consists of one, two, and three story residences, many of which are built very close to the front and side property lines.

Proposal Description

The proposed project includes the demolition of the existing residence and the construction of a new three-story residence. The existing single-family residence is presently nonconforming with respect to current Land Use Code requirements for the front (west) and each of the side yards (north and south). It is currently located 13.18 feet from the front (west) property line, between 2.87 feet and .35 feet to the north property line and between 1.99 feet to 3.28 feet from the south property line. The Code requires that the front yard is 8.65 feet and that the side yards are five feet. The proposed structure includes three foot side yards and a one foot front yard.

Public Comment

No comment letters were received during the comment period, which ended on December 11, 2002.

Additional Information

Since 1987, at least seven sites located between 11500 and 12500 Riviera Place NE have received similar variances to those being sought under this application. The lot immediately to the north of the subject site received variances under Project 9103738 to extend 2'3" into the northerly side yard (5' required). The lot to its north received variances under Project 9805328 to allow the structure to encroach into the front yard leaving a 0' front yard and the encroachment of the structure into the side yard leaving a .92" side yard (5' required). Another variance was recently granted under Project 2008543 for a structure located at 11940 Riviera Place N.E. to encroach into both the front and side yards leaving a front yard dimension of .32 to .53' (2'3" required) and a side yard between 1.63 to 2.44' (3' required).

ANALYSIS - VARIANCE

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The width of the subject site is 30 feet is unusual in comparison to the other lots along this same side of Riviera Place, which range between 45 and 60 feet in width. This particularly narrow site is only one of two sites along this stretch of Riviera Place which measures only 30 feet in width. Furthermore, due to the uneven shoreline edge, the amount of dry land on the subject site measures 1,958 square feet, thus leaving a far smaller buildable area than that enjoyed by the surrounding properties. The footprint of the proposed structure is 1,165 square feet, far less than the theoretical maximum allowed of 1,750 square feet. Neither the site width nor size are conditions which were created by the owner or applicant.

Development in the immediate vicinity is characterized by residences constructed very close to or at the property edge with Riviera Pl. N.E., many of which do not observe the front and side yard setbacks. Additionally, many of these residences include parking on site whereas the subject lot does not have on site parking. Therefore, the strict application of the Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

Narrow lots characterize Riviera Pl. NE with limited permissible building depths due to the location of existing bulkheads and shoreline setback lines. Similar variances for front and side yards have been granted in the immediate vicinity for residences located at 12026, 12036 and 11940 Riviera Pl. NE (MUP #'s 9103738, 9805328 and 2008543 respectively). All of these projects allowed for building new residences that were nonconforming with respect to side and/or front yards and allowed for front and side yard dimensions comparable to those proposed under the current application. It is not unusual for lots along Riviera Pl. NE to be nonconforming with respect to one or more of the required yards.

The required front yard is 8.65 feet based on averaging the front yards of the adjacent single family residences allowed under SMC 23.44.014.A1 of the Seattle Land Use Code. Both of these residences extend nearly to their front property lines with the overhanging roofs and support columns for their carports. However, only the principal structure, and not the carport, is considered in the determination of the front yard requirements. If the averaging of the front yards of the structures on either side of the subject site included the carports, then the required front yard would equal 1.15 feet. The proposed front yard measures one foot deep. Such an encroachment would not be unusual along a street edge where many of the structures are built to at least one foot from the property line.

The standard side yard requirement for new construction is five feet. The proposed side yards are each three feet. Given that the existing side yards would average out to be 1.61 feet on the north side and 2.6 feet on the south side, the proposed side yards will bring the structure into closer compliance with the code standards. As stated earlier, many of the front and side yards in this vicinity are less than the required minimum, thus the requested variance does not go beyond the minimum necessary to afford relief, nor is it a grant of special privilege inconsistent with the surrounding area.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

No detriment to the public welfare or injury to the property or improvements in the zone or vicinity is likely to occur by granting the requested variances. The sidewalls of the existing house have been located less than the minimum required distance with no apparent detriment to the adjacent property owners for many years. In fact, Riviera is characterized by many homes that are closer than 5'0" to the side property lines. When buildings are constructed closer than 3'0" to a property line, the Seattle Building Code prescribes the wall be of one-hour construction and permits no openings (e.g. windows or doors) on that facade. The proposed structure, however, provides three-foot side yards.

By providing for the structure to encroach into the front yard in order to accommodate on-site parking, the public welfare will likely be improved by taking parking off of a narrow undersized right-of-way, enabling the opportunity for better circulation of emergency vehicles in the immediate area.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

Homes along Riviera Pl. NE enjoy waterfront open space due to the adjacency of the lots to Lake Washington. Structures therefore, are massed closer to the street rather than centered on the lot. The additional encroachment into the required front and side yard is diminimus and consistent with the streetscape character along Riviera Pl. NE. Usable open space between single family residences will not be compromised by permitting encroachment into the required side yard. Strict application of the 3'0" side yard on the third floor would cause practical difficulties by allowing only a 20 foot wide structure to be built thus forcing awkward interior dimensions.

The literal interpretation and strict application of the applicable provisions and requirements of the Land Use Code would not reasonably allow the proposed structure the ability to provide for the required on site parking. The current configuration and lack of parking in the vicinity is a practical difficulty for the property and the granting of this variance from the front yard standards would allow for the provision of on-site parking.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land which conforms to the City's land use policies. It is the responsibility of the City to preserve and protect areas that are currently in predominantly single-family residential use. The construction as proposed is in character with the surrounding development and preserves the existing neighborhood character. No adverse effects on adjacent properties in the area are anticipated and the public interest will not suffer as a result of these variances.

DECISION - VARIANCE

- The request for a variance to allow principal structure in required front yard (Seattle Municipal Code Section 23.44.014.A) is **APPROVED**
- The request for a variance to principal structure in the required side yard (Seattle Municipal Code Section 23.44.014.C) is **APPROVED**

Signature: (signature on file) Date: July 17, 2003
Lisa Rutzick, Land Use Planning and Development Analyst
Department of Design, Construction and Land Use
Land Use Services